

LSK&D #: 564-7015 / 1065293

UNITED DISTRICT COURT OF NEW YORK
SOUTHERN DISTRICT OF NEW YORK

-----X
JOHN MAGEE,

Plaintiff, Counterclaim-Defendant,

-against-

METROPOLITAN LIFE INSURANCE
COMPANY,

Defendant, Counterclaim-Plaintiff.
-----X

No. 07 CIV 8816 (WHP)

NOTICE OF MOTION

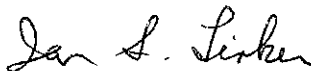
PLEASE TAKE NOTICE that, upon the annexed Affidavit of Timothy Suter and the exhibits thereto, Metropolitan Life Insurance Company's ("MetLife") Memorandum of Law in Support of Motion for Summary Judgment, and MetLife's Local Rule 56.1 Statement, Defendant-Counterclaim-Plaintiff MetLife will move this Court before the Honorable William H. Pauley III, at the United States Courthouse at 500 Pearl Street, New York, New York 10007, on October 24, 2008 at 11:00 a.m., for an Order, pursuant to Federal Rule of Civil Procedure 56, dismissing the Complaint, granting summary judgment in favor of MetLife, and granting such other and further relief as this Court deems just and proper.


Dated: New York, New York
September 2, 2008

Respectfully submitted,



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